

EXHIBIT 1

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September 17, 2004

VIA E-MAIL

To: Counsel of Record for Plaintiffs*

Re: In re Columbia University Patent Litigation, MDL No. 1592

Dear Counsel:

I am writing in response to the letter from Claire Laporte, Esq. dated September 15, 2004. We do not agree with the proposals in that letter regarding the scheduling of expert depositions. First, we do not agree that the deposition of each expert may proceed for multiple days. We believe that each expert should be subject to a deposition of seven hours conducted on a single day. Second, we believe that the depositions of plaintiffs' experts should be conducted before the depositions of Columbia's expert. That sequence makes sense, given that plaintiffs have the burden of proof and Columbia's expert will be responding to the opinions of plaintiffs' experts.

The parties' respective experts will need some time to review the rebuttal expert reports that are being served today. This is particularly true for Columbia's expert, given that he will need to analyze and review three rebuttal reports. Accordingly, we propose that expert depositions take place during the week of September 27, 2004, with one expert deposed per day. In addition, to minimize inconvenience and expense, we further propose that all expert depositions take place in Boston, where the cases have been consolidated.

I would appreciate hearing from you at your earliest convenience regarding the proposals in this letter.

Very truly yours,



David I. Gindler

cc: Wayne Barsky, Esq.